DOCUMENT RESUME

ED 164 675 UD 018 929

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TITLE Remarks by Gilbert G. Pompa Before the Mexican American Lawyers Association Third Annual Banquet, Chicago, Illinois.
INSTITUTION Department of Justice, Washington, D.C.
PUB DATE 11 Nov 78
NOTE 15p.

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS Elementary Secondary Education; *Federal Government; Illegal Immigrants; *Immigrants; Law Enforcement; *Local Government; Local Issues; Mexican Americans; *Police Community Relationship; *School Integration; *Spanish Speaking; Speeches

ABSTRACT

A number of problems facing Hispanics in general and Mexican Americans in particular lend themselves to local solutions rather than Federal intervention. From a community relations standpoint, there are three major areas of concern for Hispanics nationally: education, immigration and the administration of justice. The two major educational problems of Hispanics are high drop-out rate and the school desegregation process. Desegregation issues such as the lack of quality education and the break-up of bilingual education programs could be resolved locally if local officials take the initiative to work things out in advance with the communities affected. Federally mandated desegregation is an admission that local officials have not acted to the satisfaction of the total community. Problems associated with immigration focus on the effect illegal immigration is having on this country and conflict over the methods of enforcing immigration laws. Local officials need to address related problems, such as misinformation about immigrant populations and non-jurisdictional interrogation of suspected immigrants by police officers. The final major problem of Hispanics involves the mutual mistrust between minorities and the police. Local officials must take action in police abuse cases to restore minorities' confidence in the justice system. (Author/WI)

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NOV 2 1 1978

Department of Justice

REMARKS BY

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COMMUNITY RELATIONS SERVICE
U.S. DEPARTMENT OF JUSTICE

BEFORE THE

MEXICAN AMERICAN LAWYERS ASSOCIATION

THIRD ANNUAL BANQUET

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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CHICAGO, ILLINOIS

NOVEMBER 11, 1978

ED164675

UD018929

IT IS MY OPINION THAT A NUMBER OF PROBLEMS FACING HISPANICS IN GENERAL, AND MEXICAN AMERICANS IN PARTICULAR, TODAY, LEND THEMSELVES TO LOCAL SOLUTIONS RATHER THAN FEDERAL INTERVENTION. THIS IS WHY AN AGENCY LIKE MINE RECOGNIZES THE IMPORTANCE OF AN ORGANIZATION LIKE YOURS AS A CRITICAL ELEMENT IN THE RACIAL CONFLICT RESOLUTION PROCESS. WHETHER YOU CHOSE TO OR NOT - AS MINORITY PRACTITIONERS WITHIN THE ADMINISTRATION OF JUSTICE PROCESS YOU WILL BE DRAWN INTO NATIONAL ISSUES AFFECTING MINORITIES.

WHAT I HOPE TO DO THIS EVENING IS LAY OUT FOR YOU SOME OF THE MOST SERIOUS NATIONAL HISPANIC COMMUNITY RELATIONS CONCERNS THAT WE HAVE GOING ON TODAY, AND HOW I THINK YOU MIGHT BE HELPFUL IN ADDRESSING THESE CONCERNS AT THE LOCAL, RATHER THAN FEDERAL, LEVEL, EITHER BEFORE OR AFTER THEY HAVE REACHED CRISIS PROPORTION.

FROM A COMMUNITY RELATIONS STANDPOINT THERE ARE PRESENTLY THREE MAJOR AREAS OF CONCERN FOR HISPANICS NATIONALLY.

THE FIRST IS PROBLEMS ASSOCIATED WITH EDUCATION.

THE SECOND IS PROBLEMS ASSOCIATED WITH IMMIGRATION ISSUES.

AND THE THIRD IS PROBLEMS ASSOCIATED WITH THE PROCESS OF THE ADMINISTRATION OF JUSTICE - SPECIFICALLY WITH POLICE.

SOME OF THESE PROBLEMS ARE, OF COURSE, MORE PRONOUNCED IN SOME PARTS OF THE COUNTRY THAN IN OTHERS.

FIRST LET'S CONSIDER THE PROBLEMS ASSOCIATED WITH EDUCATION:

EDUCATION CONTINUES TO BE AN AREA OF DEEP CONCERN FOR HISPANICS NATIONALLY. WHILE THE HIGH EDUCATIONAL DROP-OUT RATE AMONG HISPANICS IS STILL THE MOST SIGNIFICANT PROBLEM, FROM A COMMUNITY RELATIONS STANDPOINT, PROBLEMS ASSOCIATED WITH SCHOOL DESEGREGATION IN SCHOOL DISTRICTS WITH LARGE HISPANIC STUDENT ENROLLMENT, ARE ALSO BECOMING INCREASINGLY SIGNIFICANT.

TWO OF THE MOST PROMINENT ISSUES ARE, FIRST, PROTESTS OVER LACK OF QUALITY EDUCATION BECAUSE OF AN IMBALANCE IN THE STUDENT DISTRIBUTION WITHIN CERTAIN SCHOOL DISTRICTS. AND SECOND, PROTESTS

OVER THE BREAK UP OF BI-LINGUAL PROGRAMS IN SCHOOL DISTRICTS WHERE STUDENT REDISTRIBUTION HAS BEEN MANDATED.

BOTH OF THESE ISSUES, AND OTHER ISSUES ASSOCIATED WITH DESEGREGATION, COULD BE RESOLVED AT THE LOCAL LEVEL WITHOUT FEDERAL INTERVENTION IF LOCAL OFFICIALS TAKE THE INITIATIVE TO WORK THINGS OUT IN ADVANCE WITH THE COMMUNITIES AFFECTED.

THIS WAS DONE IN NUMEROUS SCHOOL DISTRICTS, INCLUDING RACINE, WISCONSIN; STOCKTON, CALIFORNIA; SEATTLE, WASHINGTON; AND MONTGOMERY COUNTY, MARYLAND.

FROM OUR PERSPECTIVE, FEDERALLY MANDATED DESEGREGATION IS AN ADMISSION THAT LOCAL OFFICIALS HAVE NOT ACTED TO THE SATISFACTION OF THE TOTAL COMMUNITY. AS LOCAL PRACTITIONERS WITH SPECIAL CONCERNS, SOLUTIONS ARE POSSIBLE THROUGH YOUR INVOLVEMENT AT AN EARLY STAGE. WE CAN HELP BY SHARING WITH YOU SUCCESSFUL EXPERIENCES IN OTHER JURISDICTIONS.

NEXT, THE SECOND COMMUNITY RELATIONS CONCERN I MENTIONED IS PROBLEMS ASSOCIATED WITH IMMIGRATION.

PROBLEMS ASSOCIATED WITH IMMIGRATION HAVE FOCUSED PRIMARILY ON:

DISCUSSIONS PRO AND CON OVER THE ALLEGED EFFECT THAT ILLEGAL IMMIGRATION IS HAVING ON THIS COUNTRY,

AND ALSO, PROTESTS OVER ENFORCEMENT OF IMMIGRATION LAWS. WE UNFORTUNATELY SEEM TO BE EXPERIENCING AN INFORMATION WAR OVER THE ALLEGED IMPACT OF UNDOCUMENTED ALIENS IN THE UNITED STATES, BEING FED ALMOST DAILY BY A LACK OF ACCURATE STATISTICAL INFORMATION AND BY THE CONSTANT PROPAGATION OF RUMORS.

THESE INCLUDE CHARGES BY SOME GROUPS THAT UNDOCUMENTED ALIENS ARE TAKING AWAY MILLIONS OF JOBS FROM AMERICANS, WHILE OTHERS CLAIM THEY TAKE ONLY THE MOST MENIAL AND POOREST-PAYING JOBS.

ANOTHER AREA WHERE INFORMATION IS SCARCE IS IN ALLEGATIONS THAT UNDOCUMENTED ALIENS TURN TO CRIME AND SIPHON OFF WELFARE MONEY, MEDICAL AID, AND UNEMPLOYMENT BENEFITS. OTHERS CLAIM THAT ALIENS WOULDN'T JEOPARDIZE DEPORTATION TO GAIN BENEFITS ALLOWED ONLY TO LEGAL RESIDENTS.

ALSO, A GREAT PREPONDERANCE OF NEWSPAPER STORIES AND RADIO AND TELEVISION ACCOUNTS HAS APPEARED HIGHLIGHTING THE SUPPOSED PROSPEROUS LIVES ENJOYED BY SOME UNDOCUMENTED WORKERS, WHILE OTHER STORIES HAVE DRAWN ATTENTION TO THE DESPERATE CONDITIONS OF POVERTY AND FEAR THAT PERVADE THE LIFE OF THE TYPICAL UNDOCUMENTED ALIEN.

UNSUBSTANTIATED CLAIMS AND RUMORS HAVE UNDOUBTEDLY INFLUENCED RADICAL GROUPS LIKE THE KU KLUX KLAN. THE KLAN AND OTHER VIGILANTE-LIKE GROUPS ARE DETERMINED TO INFLAME THE ISSUE, AND THEY GET A LOT OF FIRE OUT OF ANY SPARK OF MISINFORMATION THAT COMES THEIR WAY.

A SECOND REASON WE SEE THE ISSUE AS A SERIOUS

COMMUNITY RELATIONS CONCERN ARISES FROM THE FACT THAT IT HAS PERIODICALLY DRAWN IN LOCAL LAW ENFORCEMENT AGENCIES. AND, AT PRESENT, RELATIONSHIPS BETWEEN HISPANIC COMMUNITIES AND LAW ENFORCEMENT AGENCIES ARE PROBABLY AT AN ALL TIME LOW.

WHILE THE U.S. IMMIGRATION SERVICE CAN DEAL WITH ALLEGATIONS OF EXCESSES IN THEIR ENFORCEMENT PROCESS, IT IS DIFFICULT TO DEAL WITH EFFORTS BY LOCAL LAW ENFORCEMENT AGENCIES WHO FEEL COMPELLED TO DO WHAT ONE POLICE CHIEF DID A COUPLE OF YEARS AGO - HE ORDERED THE QUESTIONING OF EVERY MEXICAN-LOOKING PERSON TO ASCERTAIN IF HE OR SHE WAS AN AMERICAN CITIZEN. FORTUNATELY, CHICANO STATE OFFICIALS INTERVENED AND PROCURED AN INJUNCTION AGAINST THE ORDER.

THE NET RESULTS CONCERNING THESE FACTORS ARE THAT - UNLESS CHECKED, ERRONEOUS NOTIONS OR NON-JURISDICTIONAL EFFORTS WILL RESULT IN POLARIZATION AROUND IMMIGRATION ISSUES.

THE RESULT COULD BE DISASTROUS UNLESS RESPONSIVE LOCAL EFFORTS KEEP PACE WITH THE ANTICIPATED PROBLEMS SUCH

AS I'VE OUTLINED. THEY CAN KEEP PACE THROUGH THE ENCOURAGEMENT OF ORGANIZATIONS LIKE YOURS.

FROM A FEDERAL PERSPECTIVE, I BELIEVE THAT THE SET OF PROPOSALS SUBMITTED BY PRESIDENT CARTER TO THE CONGRESS DESIGNED ESSENTIALLY TO REDUCE THE FLOW OF UNDOCUMENTED ALIENS AND TO REGULATE THE PRESENCE OF THE MILLIONS WHO ARE ALREADY HERE IS THE FEDERAL RESPONSE TO THE BROADER IMMIGRATION ISSUE.

HOWEVER, IN ORDER FOR THAT TO PROCEED, LOCAL OFFICIALS NEED TO ADDRESS THE SATELLITE PROBLEMS SUCH AS MISINFORMATION AND THOSE POSED BY LOCAL LAW ENFORCEMENT EFFORTS THAT ARE CLEARLY NON-JURISDICTIONAL, SUCH AS THE SPOT CHECKS I MENTIONED EARLIER.

THE LAST LARGE ISSUE I WILL DISCUSS IS THE PROBLEMS ASSOCIATED WITH THE PROCESS OF THE ADMINISTRATION OF JUSTICE.

MANY PROBLEMS ARE ASSOCIATED WITH THE ADMINISTRATION OF JUSTICE PROCESS, SPECIFICALLY WITH THE POLICE. THIS IS NOW OUR TOP PRIORITY ITEM IN THE COMMUNITY RELATIONS

SERVICE. HOSTILE REACTION TO POLICE USE OF EXCESSIVE FORCE LOOMS ON THE HORIZON AS ONE OF THE MOST SERIOUS AND INFLAMMATORY COMMUNITY RELATIONS CONCERNS CONFRONTING OUR NATION. NO OTHER SINGLE ISSUE PROVOKES SUCH MAJORITY AND MINORITY RESENTMENT, OR HAS MORE POTENTIAL FOR SPURRING COMMUNITY CONFLICT, THAN THIS ONE.

ALTHOUGH CRIME DISPROPORTIONATELY AFFECTS MINORITY COMMUNITIES NATIONALLY, THERE IS NO GRAND ALLIANCE BETWEEN THE POLICE AND MINORITIES WHEN IT COMES TO TACKLING CRIME AS A COMMON ENEMY.

POLICE GENERALLY LACK CONFIDENCE THAT MINORITIES WILL COME FORWARD AND ASSIST IN THE DETECTION OF CRIME AND THE PROSECUTION OF CRIMINALS.

UNFORTUNATELY, IT IS OUR CONCLUSION THAT DESPITE ALL EFFORTS TO IMPROVE RELATIONS BETWEEN MINORITIES AND POLICE, MINORITIES STILL, FOR THEIR PART, LACK CONFIDENCE THAT POLICE SERVICES IN THEIR AREA OF TOWN ARE AS FAST, FAIR, AND EFFECTIVE AS THEY ARE IN ANGLO NEIGHBORHOODS. MINORITIES STILL SEE POLICE AS AN ALIEN OCCUPATION FORCE. AND THE POLICE STILL TEND TO IDENTIFY MINORITIES AND CRIME AS

PART AND PARCEL. EACH GROUP STILL HARBORS A MEASURE OF FEAR THAT IT MAY BE THE VICTIM OF PHYSICAL VIOLENCE INFLICTED BY THE OTHER, AND THIS FEAR IS BEING ACTED OUT WITH VERY TRAGIC CONSEQUENCES.

THIS ISSUE HAS REACHED SUCH CRISIS PROPORTIONS THAT IN SOME PARTS OF THE COUNTRY, AN UNDECLARED WAR HAS SEEMINGLY DEVELOPED BETWEEN MINORITIES AND POLICE. IT IS AN UNDECLARED WAR WHOSE ESCALATION WE ARE COMMITTED TO PREVENT.

IN RESPONDING TO POLICE ABUSE CASES THROUGHOUT THE COUNTRY WE HAVE FOUND THAT THE PROBLEM IS NOT CONFINED TO ANY ONE PARTICULAR ETHNIC GROUP OR TO A GEOGRAPHIC AREA, NOR IS THE SIZE OF THE COMMUNITY OR POLICE DEPARTMENT A FACTOR.

THE ONLY ABSOLUTE FACT ABOUT THE ISSUE IS THAT NO ONE HAS YET GOTTEN A HANDLE ON THE PROBLEM.

THE ISSUE HAS BEEN HEAVILY POLITICIZED IN SOME PARTS OF THE COUNTRY - BRINGING HEAVY PRESSURE ON MINORITY ELECTED OFFICIALS AND ORGANIZATIONS TO COME UP WITH POSITIVE ANSWERS TO THE PROBLEM.

I BELIEVE THAT YOUR POTENTIAL ROLE IN THIS ISSUE IS CRITICAL. AS A MINORITY ORGANIZATION YOU ARE ON THE CUTTING EDGE OF THE PROBLEM, BUT I BELIEVE THAT YOU MAY EVENTUALLY HELP TO PROVIDE WHATEVER SOLUTIONS MAY EMERGE.

THIS OPINION IS BASED ON THE BELIEF THAT THE FIRST STEP TOWARD A SOLUTION BEGINS WITH ATTITUDINAL CHANGES. THESE CHANGES IN ATTITUDE MUST BE INITIATED AT THE LOCAL LEVEL AT THE INSISTENCE OF SENSITIVE INDIVIDUALS WHO PARTICIPATE IN THE ADMINISTRATION OF JUSTICE PROCESS, EITHER DIRECTLY OR INDIRECTLY. THESE INCLUDE, NOT ONLY LAWYERS AND JUDGES LIKE YOURSELVES, BUT MAYORS, CHIEFS OF POLICE, SHERIFFS, DISTRICT AND COUNTY ATTORNEYS, ETC.

I HAVE PROUDLY SPENT HALF OF MY LIFE IN ONE ASPECT OR ANOTHER OF THE ADMINISTRATION OF JUSTICE SYSTEM AND BELIEVE THAT WE DO A DISSERVICE TO THE MAJORITY OF GOOD POLICE OFFICERS IN THIS COUNTRY WHEN WE LOOK THE OTHER WAY TO SHIELD ONE ROTTEN APPLE IN THE BARREL.

INACTION OR NON-ACTION BY LOCAL OFFICIALS IN POLICE ABUSE CASES DOES NOTHING TO PROMOTE CHANGES IN ATTITUDES, IT MERELY PROMOTES THE NOTION THAT ABUSES ARE TOLERATED,

AND THAT IMMUNITY FROM PROSECUTION CAN BE EXPECTED.

I PERSONALLY DO NOT BELIEVE THAT YOU CAN FULLY DEVELOP THE NEEDED CHANGES IN ATTITUDES THROUGH FEDERAL PROSECUTION OR LEGISLATION. VIGOROUS FEDERAL PROSECUTION IS NECESSARY TO BRING ABOUT JUSTICE WHEN JUSTICE WAS NOT OBTAINED AT THE LOCAL LEVEL, BUT IT DOES NOT PROMOTE ATTITUDINAL CHANGES WHEN YOU MERELY MAKE THE FEDS THE BOOGIE MAN.

IN SUM TOTAL, WHAT I HAVE STATED OVER THE LAST FEW MINUTES IS THIS: SOLUTIONS TO MOST COMMUNITY RELATIONS PROBLEMS CAN BE FOUND AT THE LOCAL LEVEL IF INTEREST GROUPS STAY ABREAST OF ISSUES AFFECTING THEIR COMMUNITY SUFFICIENTLY TO BRING ABOUT A POSITIVE RESPONSE FROM LOCAL OFFICIALS IN ADVANCE OF ANY NECESSITY FOR FEDERAL INTERVENTION.

I HAVE HAD THE GOOD FORTUNE OVER THE LAST 12 YEARS TO PERSONALLY OBSERVE THE HISPANIC DEVELOPMENT OF THIS COUNTRY. IN THE SOUTHWEST, IN 1966, I WATCHED THE FIRST MANIFESTATIONS OF CHICANOS PULLING THEMSELVES TOGETHER AS A GROUP. I WITNESSED THE DEVELOPMENT OF COALITIONS

BETWEEN MEXICAN AMERICANS, PUERTO RICANS, AND CUBAN-AMERICANS. IN THE YEARS SINCE THAT TIME, MEXICAN AMERICAN POLITICAL AND COMMUNITY ORGANIZATIONS HAVE BECOME INCREASINGLY SOPHISTICATED. NOW SUCH ORGANIZATIONS ARE THE DOMINANT FORCE WITHIN THE HISPANIC FAMILY.

THIS IS WHY YOU MUST NOT FORGET THAT, TODAY, HISPANICS THROUGHOUT THE UNITED STATES LOOK TO ORGANIZATIONS LIKE YOURS FOR THE LEADERSHIP THAT IS NECESSARY TO DEAL NOT ONLY WITH TODAY'S PROBLEMS BUT ALSO TO MEET THE CHALLENGES OF THE '80s WHEN HISPANICS WILL BECOME THE LARGEST MINORITY IN UNITED STATES.

DO NOT SELL YOURSELF SHORT IN TERMS OF YOUR IMPORTANCE.

AS AN ORGANIZATIONAL FORCE, YOUR LEADERSHIP IS NECESSARY TO PROMOTE A BETTER UNDERSTANDING OF PROBLEMS AND ISSUES -- PARTICULARLY THOSE AFFECTING MEXICAN AMERICANS, BUT ALSO THOSE CONFRONTING ALL AMERICANS.

YOU HAVE DEMONSTRATED YOUR ABILITY TO BRING PEOPLE TOGETHER, TO RAISE CRITICAL ISSUES, AND TO DEAL WITH THOSE ISSUES. THERE IS MORE YOU CAN DO. YOU MIGHT,

FOR INSTANCE, HELP TO ESTABLISH A LEGAL COMPONENT FOR COMMUNITY PROGRAMS WHICH ARE DEVELOPING THROUGHOUT THE COUNTRY TO COUNSEL IMMIGRANT GROUPS. YOU CAN SET AN EXAMPLE BECAUSE YOU HAVE TAKEN ADVANTAGE OF THE EDUCATIONAL, SOCIAL, AND DEMOCRATIC OPPORTUNITIES IN AMERICA. DO NOT SHOULDER THIS RESPONSIBILITY LIGHTLY.

THANK YOU.

DOJ-1978-11